THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 1493 of 2006.

Sageer Ahamad S/O Jumma, R/O Village Mundiya Kala, Tehsil Bazpur, District Udham Singh Nagar.

… **Petitioner.**

Vs.

1. State of Uttaranchal through Secretary Panchayat Raj Uttaranchal Shashan.
2. District Magistrate, Udham Singh Nagar.
3. Sub Divisional Magistrate, Bazpur, District Udham Singh Nagar.
4. Zaheed Hussain S/O Mohammad Hanif, R/O Village Mundiya Kala, Tehsil Bazpur, District Udham Singh Nagar.

… **Respondents.**

Sri G.C.Lakhchaura, learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the State-respondents.

Date September 28, 2006

P.C.: Hon'ble B.S. Verma, J.

Heard learned counsel for the parties and perused the record.

By means of this writ petition, the petitioner has sought a writ, order or direction in the nature of mandamus commanding the respondents to give the charge of Pradhan of Village Mundiya Kala Tehsil Bazpur, District Udham Singh Nagar with all power and duties to the petitioner. The petitioner has further prayed for mandamus of this Court commanding the respondents to decide the representation of the petitioner dated 13-06-2006 as well as mandamus of this Court commanding the respondents to decide the election petition of the petitioner expeditiously without undue delay pending in the court of Sub Divisional Magistrate Bazpur.

According to the petitioner he filed nomination for the election to the office of Gram Pradhan, which was held on 27-03-2003. The petitioner and five other persons contested the said election. It is alleged that one of the contestants namely Ashok Kuamr adopted several unfair means to which the petitioner opposed, but no heed was paid by the authority concerned. The petitioner ultimately filed a petition under Section 12C of the U.P. Panchayati Raj Act before the Sub Divisional Magistrate Kashipur on the date of counting of votes for setting aside the entire election. It is also alleged that the election petition of the petitioner is pending since the year 2003, therefore, a direction in the nature of mandamus commanding the respondents for expeditious disposal of election petition is necessary.

In the course of arguments, the learned counsel for the petitioner submitted that the ends of justice will be served if a direction to the Sub Divisional Magistrate Bazpur is issued for time bound decision of the election petition filed by the petitioner. The prayer is innocuous.

Admittedly the Election Petition is pending since 2003. In the facts and circumstances of the case, the respondent no.3-Sub Divisional Magistrate Bazpur is directed to decide the Election Petition No. 7 of 2003 Sageer Ahmad Vs. Ashok Kumar and others, pending decision in that Court ***(Annexure No.1*** to the writ petition) expeditiously in accordance with law, preferably within a period of six months from the date of production of certified copy of this order. Both the parties shall co-operate in the expeditious disposal of the election petition with the court concerned.

With the above directions, the writ petition is disposed off finally.

(B.S. Verma, J.)

RCP